

REMARKS/ARGUMENTS

Applicants acknowledge with appreciation the acknowledgement of allowable claims 14 and 19 through 23. These claims have been re-written in independent form and are believed to be in condition for allowance. Claims 27, 28, 35 and 36 have been cancelled and will not be discussed further herein.

Claim Objections

The ambiguity of claim 1 has been corrected. However, the mere generation of the list does not determine the component to be collected, as will be more fully discussed below.

The typographical error in claim 13 has been corrected to change "ration" to "ratio", as the examiner correctly supposed.

Claim 19 has been corrected to remove the superfluous word "resulting", leaving the limitation to read "multiplied by the desired fluid balance percentage in the donor/patient." It is believed that the examiner correctly interpreted the intent of the claim.

Claims Rejections -35 USC § 102

Applicants have amended claim 1 and claim 25 to more particularly distinguish over Urdahl et al., US 5,658,240, as cited by the examiner. As claimed herein, the invention is most particularly described in paragraph 307 of the specification, which reads, in part:

"Once the operator has entered all of the requested information, the operator touches the continue button 752 which then displays a procedure listing (not shown) depicting which donation procedures this donor is qualified to undergo, and hence which blood component product or products this donor may donate. . ."

As claimed herein, the present invention identifies a plurality of procedures appropriate for a particular donor and allows the operator to select among those procedures. The '240 patent (also assigned to the assignee of this application) is concerned with the optimization of a particular pre-selected procedure, rather than presenting a set of completely different procedures for selection by the operator. For example, the '240 system would seek to optimize donation of a selected quantity of platelets by suggesting variation in parameters, such as donation time or pump speed, within the procedure. As noted above, the examiner interpreted claim 1, as originally filed to mean that the generation of the list determined the component to be selected. The proposed amendment makes clear that the list of available procedures is generated and the operator may then select from among the available procedures. This selection determines the components collected, not the generation of the list itself. The invention claimed in amended claims 1 and 25 is not shown in the '240 patent, particularly, the '240 patent does not teach or suggest using a plurality of donor/patient characteristics to determine blood components capable of being collected from said donor/patient according to different procedures; generating a list having a plurality of blood component collection procedures; and using the list in selecting a blood component collection procedure. Claims 1 and 25 should be allowed, together with their dependant claims. Claims 2-13, 15-18, 24 and new claims 37-39 currently depend from claims 1. Claims 26 and 29-34 currently depend from claim 25. Claims 26 and 29-34 have been amended to conform to the pre-ambble of claim 25 but are otherwise unchanged.

In addition, claims 5 and 6, currently amended to conform with the language of amended claim 1, further emphasize the development of a list of possible procedures, appropriate for the particular donor/patient, and selection from the list. These features are not shown or taught in the cited art. In addition, claim 2 (currently amended) specifies the feature of loading an appropriate tubing and bag set after selection of a procedure from the generated, donor-specific list. This allows more optimum use of materials and disposables by conforming the selection of the tubing and bag set to the selected procedure later in the process. See Specification paragraph 307.

New claims 37-39 are supported in the specification at paragraph 307 and patentably distinguish over the art by further defining the development and use of the

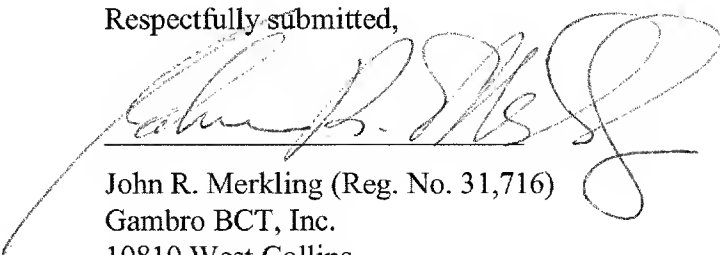
donor/patient specific list of procedures. Particularly, the cited art does not show listing other procedures with indications that certain further products might be qualified for the donor/patient if certain process variable were changed, nor changing variable information and regenerating the list of procedures. As with claim 2, as amended, the features of claim 39, loading an appropriate tubing and bag set on the machine after a blood component collection procedure has been selected from the list, is not found in the art, which does not generate a list of available donor-specific procedures. These new claims should, therefore, also be allowed.

Applicants wish to inform the examiner that paragraph 307 is **not** found in the provisional application 60/188,133, filed March 9, 2000 (a priority document to this application), but is contained in US Application 09/803,304, filed March 9, 2001. Applicants believe that claims 1 and 25 and their dependant claims are entitled only to the March 9, 2001 filing date of the '304 application. Applicants also direct the examiner's attention to US patent 7,072,769, commonly assigned to the assignee of this application, and to Figure 3E and Column 29, lines 38-61 and Column 30, lines 33-62 thereof, which disclose subject matter claimed herein. Although the '769 application has a filing date of March 1, 2001, the invention elaimed herein is not claimed by the inventors of the '769 patent, but is properly attributable to the present applicants, all of whom are or were co-employees and under a common obligation to assign their inventions to Assignee.

Applicants, therefore, respectfully request the examiner's reconsideration and allowance of the case. If any matters remain to be resolved, the undersigned attorney respectfully requests that the examiner call him.

Respectfully submitted,

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Dated


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